

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JANICE STEVENSON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 05-CV-11584-DPW
)	
NEIGHBORHOOD HOUSE CHARTER)	
SCHOOL,)	
)	
Defendant.)	
)	

JOINT STATEMENT PURSUANT TO FED.R.CIV.P 26(f) AND LOCAL RULE 16.1

Pursuant to Fed.R.Civ.P. 26(f) and Local Rule 16.1(D), Plaintiff Janice Stevenson (“Plaintiff” or “Stevenson”) and Defendant Neighborhood House Charter School (“Defendant” or the “School”) hereby submit this Joint Statement.

I. Summary of Action

Between May 2004 and August 2004, Stevenson worked for Defendant as a “temp” employee through a temporary placement agency. The School entered into a contract for financial and human resources administration services with TuckNT, an organization affiliated with Stevenson, in or about August 2004. The School terminated its contract with TuckNT in or about June 2005. Stevenson brought this suit alleging that she was an employee of NHCS, rather than an independent contractor, and that she is owed overtime wages under the federal Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and Massachusetts law. She also claims that the School violated the Massachusetts personnel records statute, Mass. Gen. Laws ch. 149, § 52C, by failing to produce a copy of her personnel record upon her written request. The School has asserted a number of defenses to Stevenson’s claims, including a defense that Stevenson was not

an employee of the School and therefore has no cause of action under any of the statutes under which she seeks to assert claims against the School.

II. Proposed Discovery Schedule.

The parties propose the following schedule for discovery, the filing of motions, and trial in this matter.

A. Automatic Disclosures

The parties will serve automatic disclosures pursuant to Fed.R.Civ.P. 26(a)(1) and Local Rule 26.2(A) on or before November 4, 2005.

B. Written Discovery

The parties will serve all interrogatories and requests for the production of documents pursuant to Fed.R.Civ.P. 33 and 34 on or before February 1, 2006. Written responses to interrogatories and document requests will be served within thirty (30) days of service with same.

C. Fact Witness Depositions

The parties will complete depositions of all fact witnesses on or before May 30, 2006.

D. Expert Witness Designations and Depositions

The parties will designate all expert witnesses pursuant to Fed.R.Civ.P. 26(a)(2) within sixty (60) days of the denial, in part or in whole, of either party's motion for summary judgment under Fed.R.Civ.P. 56. If no such motion is filed, the parties will make expert disclosures on or before October 6, 2006.

The parties will conduct depositions of each designated expert within sixty days of his or her designation, and in any event, not later than December 8, 2006.

E. Requests for Admissions

The parties will serve requests for admissions pursuant to Fed.R.Civ.P. 36 on or before May 31, 2006. Responses to requests for admissions will be served within thirty (30) days of service with same.

F. Dispositive Motions

The parties will serve and file any motions for summary judgment pursuant to Fed.R.Civ.P. 56 and any other dispositive motions on or before September 29, 2006. Oppositions to motions for summary judgment will be due within thirty (30) days of service with such motions.

G. Hearings, Pre-Trial Conference, and Trial Date

The parties state that, in light of the schedule set out above, they anticipate being prepared for a trial of this matter by November 30, 2006.

III. Consent to Trial by Magistrate

At this time, the parties do not assent to trial of this matter by magistrate judge.

IV. Certifications Pursuant to Local Rule 16.1(D)

Defendant's certification pursuant to Local Rule 16.1(D) is attached hereto as Exhibit A.

Plaintiff will file her certification pursuant to that Local Rule separately.

Respectfully submitted,
JANICE STEVENSON,
By her attorney,

NEIGHBORHOOD HOUSE CHARTER
SCHOOL
By its attorneys,

/s/ John W. Davis
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DATED: October 21, 2005

/s/ Barry J. Miller
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DEFENDANT'S CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)

Defendant Neighborhood House Charter School and its counsel hereby certify that they have conferred: (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,
NEIGHBORHOOD HOUSE CHARTER
SCHOOL,



Kevin Andrews, Headmaster
NEIGHBORHOOD HOUSE CHARTER
SCHOOL

DATED: October __, 2005

SEYFARTH SHAW LLP,

/s/ Barry J. Miller
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Barry J. Miller (BBO # 661596)
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